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## Wisconsin Department of Transportation

[www.dot.wisconsin.gov](http://www.dot.wisconsin.gov)

Jim Doyle  
Governor

Frank J. Busalacchi  
Secretary

Division of Motor Vehicles  
4802 Sheboygan Ave.  
P O Box 7911  
Madison, WI 53707-7911

Telephone: 608-266-1113  
FAX: 608-261-0136  
E-mail: [administrator.dmv@dot.state.wi.us](mailto:administrator.dmv@dot.state.wi.us)

### Assembly Committee on Transportation Hearing July 19, 2007 AB 303, relating to lightweight utility vehicles

#### The Wisconsin Department of Transportation OPPOSES AB 303

This bill proposes to allow off-road utility vehicles to be used on public roads. Off-road utility vehicles are not made for on-road use so they do not have on-road safety equipment. They do not meet federal equipment and safety standards for on-road vehicles, including standards for occupant protection intended to protect passengers in the event of a crash.

Off-road utility vehicles are not like ATVs and snowmobiles. They will not increase tourism because tourists are not likely travel to or within Wisconsin to ride them. The Department believes this bill will only expand the use of utility vehicles by residents who already own them for other uses, or who might buy one for short local trips instead of using their cars. The Department has heard anecdotally that some communities want to designate their entire local road network as ATV routes, so ATVs and now off-road utility vehicles, can be used as local transportation.

The Department believes this is a dangerous trend. The Department only gets accident reports for ATV and snowmobile accidents that occur on public roads AND involve another motor vehicle, such as a car. In 2005, ATV and snowmobile accidents on roads---with other cars---resulted in 2 fatalities, 43 persons injured, and 32 accidents causing at least \$1,000 property damage. The Department expects this number will climb as more off-road vehicles are allowed to use the roads.

The bill does not require the rider to have a driver's license. LUVs may become the grocery-getter of choice for repeat drunk drivers whose licenses are revoked, or for people who have never learned the rules of the road, or who have been unable to pass a driving test. Riders without a driver's license will NOT make our roads safer.

The burden will principally fall on local governments to deal with these problems since the bill applies mainly to local roads and county trunk highways.



However, this bill also allows riders to cross state trunk highways, and to cross bridges and culverts on state trunk highways.

Off-road Utility Vehicles are slower than ATVs and snowmobiles, which can often keep up with traffic, or can cross a road quickly. Top speeds for the John Deere Gator, for example, are 15-25 miles per hour, yet the bill does not restrict these vehicles to low-speed roads.

Most state trunk highways have a speed limit of 55 miles per hour, raising the risk of serious accidents with slower vehicles.

For these reasons, the Department of Transportation opposes this bill.

I understand there may be efforts underway to revise the bill to address concerns of DNR. The Department of Transportation will be happy to participate in any further work on this bill. We do, however, continue to have concerns about mixing off-road vehicles, not designed for highway operation, with larger, stronger, faster vehicles.

Thank you for considering DOT's comments, as you deliberate this bill.

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# BOB JAUCH

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## WISCONSIN STATE SENATOR

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TO: Rep. Jerry Petrowski, Chairman, Assembly Committee on Transportation  
Members, Assembly Committee on Transportation

FROM: Senator Bob Jauch

DATE: July 19, 2007

RE: Assembly Bill 303

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Chairman Petrowski, members of the Committee, thank you for allowing me to submit written testimony on Assembly Bill 303. This is an important bill and I appreciate that the Committee has scheduled it for a hearing.

As you know, this legislation allows for limited operation of lightweight utility vehicles (LUV) on public roadways, such as for crossing the road from one side of a property to another and official emergency operations by local government units. Under this legislation, LUVs are subject to the standard rules of the road. Though the allowances created for crossing roadways in this legislation may seem insignificant, the change is vastly important to the many farmers and landowners whose day-to-day operations are ill-affected by the current law prohibitions.

Under current law, lightweight utility vehicles – such as Gators, which are often used on farms for hauling equipment and feed – are not allowed to be driven on, or to cross, public roads. While farmers may use “implements of husbandry”, or vehicles with solely a farming purpose to cross roads, LUVs by definition are multi-use vehicles and therefore do not qualify as an implement of husbandry, despite being used for farming purposes.

Unfortunately, because many farmers’ land is bisected by a road, they are precluded from crossing it in a Gator or other LUV to get from one side of their property to another. As a result of the increasing popularity and usefulness of Gators and other LUVs, many farmers are unable to legally perform the day-to-day farm operations required of them.

For the average farmer seeking to make a living, the question is, “How do I get to the other side of the road?” Currently, the answer is, “you don’t.” This bill protects the innocent farmer and provides a practical solution to a very real problem.

AB 303 is identical to 2005 Assembly Bill 219, which was introduced by Rep. John Ainsworth. 2005 AB 219 passed the full Assembly and the Senate Committee on Transportation unanimously, but expired before being brought to a vote on the Senate floor.

Again, thank you for scheduling AB 303 for a hearing. I look forward to working with each of you to advance this legislation.





**Mary Hubler**

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**State Representative**

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July 19, 2007

## **Hubler Testimony before the Assembly Committee on Transportation**

### **Assembly Bill 303**

Thank you, Chairman Petrowski and committee members for receiving my testimony on Assembly Bill 303. I regret being unable to testify in person.

I proposed this bill at the behest of constituents who use light utility vehicles in their farming operation. My constituents' farm is bisected by a road. They were warned by Wisconsin State Troopers that they could not legally cross a public road in a Light Utility Vehicle, even in the course of performing farm chores. This made it illegal for them to haul tools, equipment, and light loads of wood, brush or other refuse from one part of their farm to another in a vehicle that is otherwise perfectly suited for that task.

This bill would rectify that by allowing limited access to public roads. Another constituent asked that a bill such as this be passed because his house and buildings are on the opposite side of the road from his lake property. He wants to legally cross the road to move landscaping tools or recreational items to places where they are needed.

I believe the law should be changed to allow these activities and similar ones.

The bill defines Light Utility Vehicles and sets rules for operation of LUVs on public thoroughfares. It restricts LUV use on public highways to these circumstances:

- 1. The lightweight utility vehicle is owned by a municipality, state agency, or public utility and the operator is performing emergency or official functions in a manner that does not jeopardize safety.**
- 2. The operator is performing a land surveying operation in a manner that does not jeopardize safety.**
- 3. The operator is at least 16 years old, and he or she is crossing a roadway, bridge, culvert, or railway.**
- 4. The operator is at least 16 years old, and he or she is operating the lightweight utility vehicle on a roadway that is seasonally not maintained for motor vehicle traffic, or he or she is operating on a roadway that is designated as a route for all terrain vehicles or lightweight utility vehicles.**



Please note that the budget passed by the Assembly on July 10 establishes a pilot program in eight counties to investigate the effects of using light utility vehicles on trails and roadways currently authorized to be used by ATVs. That provision lifts the language from my bill regarding the definition of LUVs, except for maximum wheel rim diameters and tire operating pressure. It expands the allowable the use of LUVs to designated ATV trails.

Assembly Bill 303 is more modest in scope than the pilot. It seeks to allow limited access to public roads and aims, generally, to provide a means of access to sections of private property bisected by highways.

This bill is identical to 2005 AB 219, which was introduced by Representative John Ainsworth. The bill was passed unanimously in the Assembly but expired before being taken up by the Senate.

I appreciate that law enforcement agencies have a legitimate interest in restricting access to roads to vehicles that can be certified and licensed. This proposal does not seriously compromise these restrictions and is a minor expansion of rights already granted to snowmobiles and ATVs.

I hope that the committee sees fit to take favorable executive action on this bill and refer it to the Assembly Committee on Rules.

Thank you.

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